

REMARKS

1. **Status Of The Claims.** Claims 1-14 and 27 are pending in the subject application. Claims 1-14 and 27 are rejected under 35 U.S.C.A. Section 103 (a) as being obvious over United States Patent No. 6,604435 to Buchanan (“Buchanan”) and further in view of United States Patent No. 6,230982 to Newton (“Newton”).

Claims 23 and 26 have without prejudice been canceled. Claims 1, 2, 5, 6, 7, 8 and 9 have been amended without the addition of any new matter. Claims 4, 10, 11, 12, 14, and 27 are as previously presented. Claims 3 and 13 are as originally presented. Claims 15-22 and 24-25 have been withdrawn. Applicant respectfully reserves the right to pursue any non-elected claims, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

2. **Telephonic Interview.** Applicant thanks the Examiners for the courtesy of the telephonic interview conducted on July 15, 2010 in which claim 1 as amended was discussed in view of the combination of the Buchanan and Newton references. It was agreed that claim 1 as in the response filed March 15, 2010 overcame the combination of Buchanan and Newton and was allowable subject to a supplemental search. Applicant understands that in the event the supplemental search results in any additional reference for consideration, that the Examiner will withdraw the Office Action mailed on June 21, 2010 and provide Applicant with a second Office Action on final with a time period for response which commences on the mailing date of the second action on final.

3. **Claim Amendments.** Applicant has amended claim 1 to remove the language “male of a species of” which the Examiner seems to indicate is unnecessary language. *See Office Action at Page 2.* Applicant has adjusted the language of element d. solely to make clear that a portion of the plurality of droplets contain one of the sperm cells. Each of claims 2, 5, 6, 7, 8 and 9 corrected as to informalities and no substantive amendment has been made. The amendments are made without the addition of any new matter.

4. **The Rejections Under 35 U.S.C.A. Section 103(a) As Being Obvious Over Buchanan In View of Newton Are Overcome.** Applicant understands that no further additional amendments or arguments are required in view of the above-described telephonic interview.

CONCLUSION

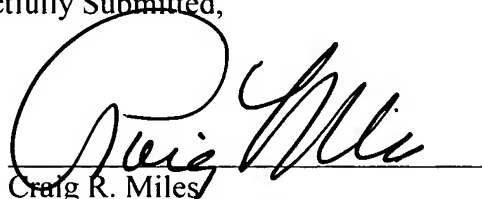
Claims 23 and 26 have without prejudice been canceled. Claims 1, 2, 5, 6, 7, 8 and 9 have been amended solely for clarity and to correct informalities without the addition of any new matter. Claims 4, 10, 11, 12, 14, and 27 are as previously presented. Claims 3 and 13 are as originally presented. Claims 15-22 and 24-25 have been withdrawn.

Applicant believes that each of claims 1-14 and 27 are now in condition for allowance and respectfully requests allowance of same.

Dated this 16 day of July, 2010

Respectfully Submitted,

By:

A handwritten signature in black ink, appearing to read "Craig R. Miles", is written over a horizontal line.

Craig R. Miles
ATTORNEY FOR APPLICANTS
USPTO Reg. No. 45,954
CR MILES, P.C.
405 Mason Court, Suite 119
Fort Collins, CO 80524
(970) 492-0000 telephone
(970) 492-0003 facsimile